

FINAL REPORT

ENFORCEMENT/COMPLIANCE STRATEGY

Prepared for

The Permittees of the
Riverside County Municipal Stormwater Permit
Santa Ana Region

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1.0 INTRODUCTION

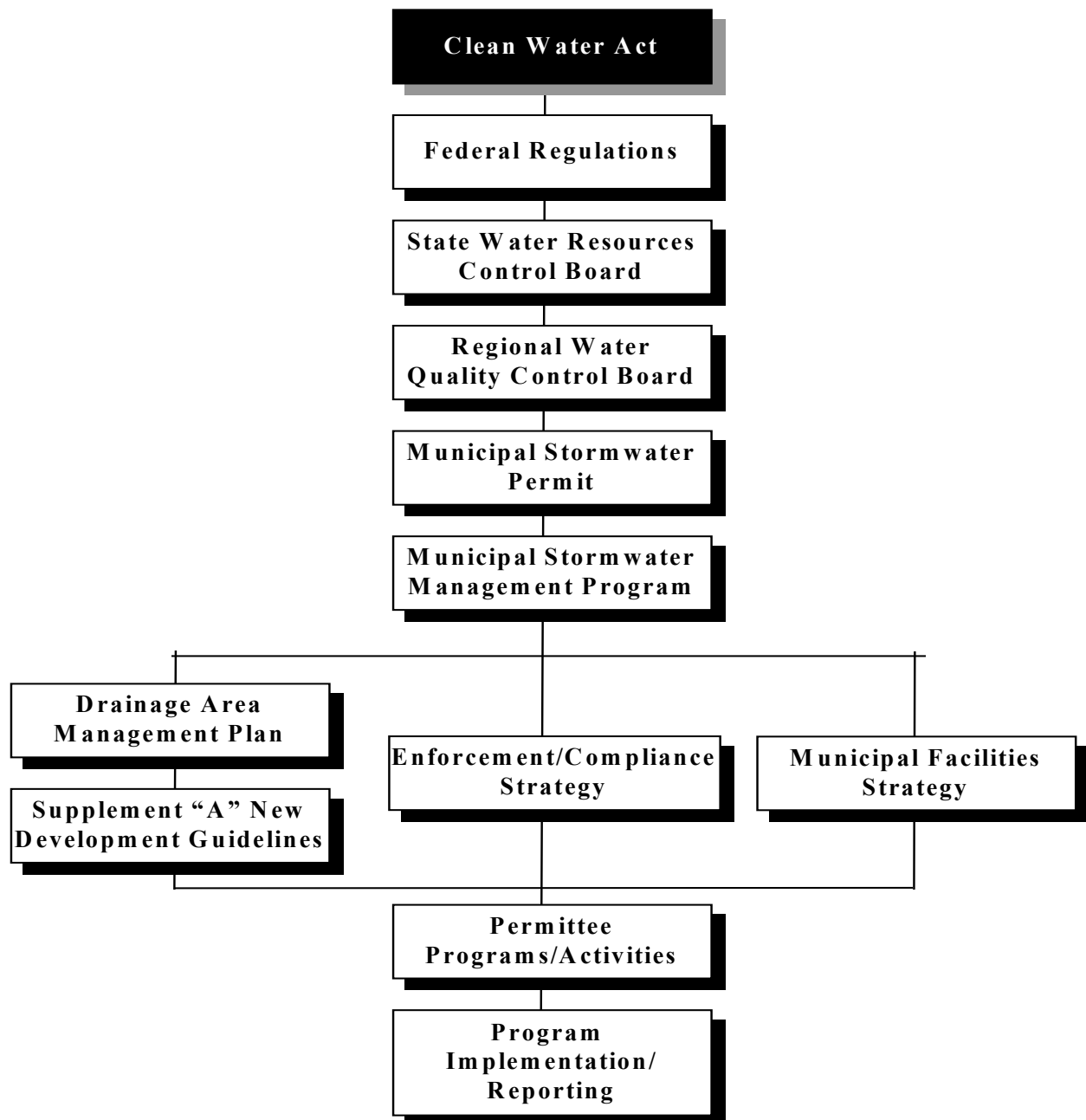
1.1 BACKGROUND

The Riverside County Flood Control and Water Conservation District (RCFC&WCD) in conjunction with the County of Riverside (County) and the cities of Riverside County within the jurisdiction of the Santa Ana Regional Water Quality Control Board (Regional Board) were jointly issued a National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit (NPDES Permit No. CAS 618033) on March 8, 1996. The RCFC&WCD, the County of Riverside, and the cities of Riverside County, including Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Norco, Perris, Riverside, and San Jacinto, are hereinafter referred to as Permittees.

Section V, Provision 10 of the Municipal Stormwater Permit requires that the Permittees develop an Enforcement/Compliance Strategy to enforce local stormwater and erosion control ordinances. In addition, the Enforcement/Compliance Strategy must include a mechanism to determine the compliance of industrial facilities and construction sites with stormwater program requirements, and for notification to the Regional Board of any finding of non-compliance and any proposed local enforcement action.

As described in the Municipal Stormwater Permit, the Enforcement/Compliance Strategy is a strategy to enforce stormwater and erosion control ordinances. The Enforcement/Compliance Strategy is a separate but complimentary element of the Permittees' Municipal Stormwater Management Program that also includes the Drainage Area Management Plan (DAMP) and the Municipal Facilities Strategy. The Enforcement/Compliance Strategy expands the scope of the Municipal Stormwater Management Program by specifically addressing the issue of enforcement of local stormwater and erosion control ordinances. Permittees are responsible for developing and implementing the activities described in the Enforcement/Compliance Strategy, just as they are responsible for developing and implementing activities listed in the DAMP and the Municipal Facilities Strategy. The following flowchart graphically represents the relationship of the Enforcement/Compliance Strategy to the DAMP, Municipal Facilities Strategy, and the Permittees' Municipal Stormwater Management Program.

Figure 1. Stormwater Program Framework



1.2 PURPOSE AND OBJECTIVES

The purpose of the Enforcement/Compliance Strategy is to describe the procedures and actions that will be implemented by Permittees to comply with Section V.10 of the Municipal Stormwater Permit.

The objectives of the Enforcement/Compliance Strategy are as follows:

- ◆ Integrate the enforcement of stormwater requirements with existing inspection programs to avoid development of additional inspection programs and to minimize costs associated with program implementation;
- ◆ Identify Permittees' departments and staff that are responsible for enforcing local stormwater and erosion control ordinances;
- ◆ Establish consistent procedures for enforcing local stormwater and erosion control ordinances;
- ◆ Establish standard criteria for prioritizing violations and determining appropriate enforcement/compliance responses;
- ◆ Establish procedures to coordinate enforcement/compliance activities between Permittees, the Regional Board, and other government agencies and leverage resources and enforcement authorities;
- ◆ Describe the training program for staff involved in implementing enforcement/compliance programs; and
- ◆ Establish consistent record keeping and reporting procedures to document enforcement/compliance activity.

1.3 OVERVIEW OF THE ENFORCEMENT/COMPLIANCE STRATEGY

The Enforcement/Compliance Strategy establishes baseline procedures for Permittees for implementation of their enforcement/compliance programs. In order to promote consistency between the Permittees' enforcement/compliance programs, the Enforcement/Compliance Strategy describes minimum inspection and enforcement procedures utilizing existing inspection programs, provides criteria for characterizing the significance of violations, and identifies the hierarchy of enforcement/compliance responses. The Enforcement/Compliance Strategy also establishes procedures and criteria for coordinating enforcement/compliance activities between Permittees and the Regional Board, and for notifying the Regional Board of findings of potential non-compliance.

Section 2 of this document summarizes the legal authority instituted by the Permittees through the adoption of comprehensive stormwater ordinances. Section 3 describes minimum enforcement/compliance program guidelines to be utilized by each Permittee including guidelines for determining compliance of industrial facilities and construction sites. Section 4 describes enforcement procedures including factors to consider when prioritizing the significance of violations, criteria for prioritizing violations, appropriate response actions corresponding to the priority of violations, and which Permittees' departments will be responsible for enforcement. Section 4 also provides a recommended hierarchy of enforcement responses to promote consistency between the Permittees' enforcement/compliance programs and describes procedures for coordination of enforcement actions. Section 5 outlines the training program for Permittees' employees and Section 6 describes record keeping

and reporting procedures for compliance documentation. A description of each Permittees' local enforcement/compliance program is presented in Appendix A.

1.4 IMPLEMENTATION SCHEDULE

Each Permittee shall implement the elements of the Enforcement/Compliance Strategy described in Sections 3 through 6 within six (6) months after receipt of written notice of approval from the Regional Board. However, it is important to note that most of the programs and procedures described in this document have already been put into place by the Permittees.

2.0 LEGAL AUTHORITY

Adequate legal authority is prerequisite for Permittees to effectively implement their enforcement/compliance programs. The legal authority necessary to implement the enforcement/compliance programs is provided to the Permittees through local stormwater and erosion control ordinances. All Permittees (excluding the RCFC&WCD) have adopted a comprehensive stormwater ordinance based on a model developed and adopted by the County of Riverside or have provided certification of adequate legal authority. RCFC&WCD already had the authority needed to implement the requirements of the enforcement/compliance programs and as such did not need to adopt the model stormwater ordinance.

2.1 COMPREHENSIVE STORMWATER ORDINANCES

The management and discharge controls addressed by the Permittees' comprehensive stormwater ordinances may be summarized as follows:

- ◆ The disposal of pollutants onto public or private land is prohibited.
- ◆ Construction activities are required to comply with the local stormwater ordinance and applicable erosion and sediment control ordinances.
- ◆ New development and redevelopment projects are required to implement best management practices (BMPs) to prevent deterioration of water quality that could impair subsequent or competing beneficial uses of the water.
- ◆ Illicit connections or discharges to the storm drain system are prohibited.
- ◆ Non-stormwater discharges, with the exceptions of discharges permitted by the Regional Board and those discharges listed in the ordinance, are prohibited. Non-stormwater discharges are any discharges to the storm drain system or receiving waters that are not entirely composed of stormwater. Non-stormwater discharges are illegal with the exception of those discharges that are specifically exempted in the Municipal Stormwater Permit. These exempt discharges are listed in Table 1.

Table 1. Exempt Non-Stormwater Discharges

1.	Discharges covered by an NPDES permit, or for which an approval has been issued by the Regional Board or State Water Resources Control Board
2.	Discharges from potable water line flushing and other potable water sources
3.	Discharges from fire fighting and fire hydrant testing and flushing
4.	Discharges from landscape irrigation, lawn watering, and other irrigation activities
5.	Diverted stream flows
6.	Rising ground waters and natural springs
7.	Uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) and uncontaminated pumped groundwater
8.	Passive foundation drains
9.	Air conditioning condensation
10.	Water from crawl space pumps
11.	Passive footing drains
12.	Discharges from individual residential vehicle washing (not including discharges from mobile sources such as automobile/equipment detailing or washing)
13.	Flows from riparian habitats and wetlands
14.	Dechlorinated swimming pool discharges
15.	Street wash water and run-off from fire fighting (program descriptions shall address discharges or flows from fire fighting only where such discharges are identified as significant sources of pollutants to waters of the United States)
16.	Waters not otherwise containing wastes as defined in California Water Code Section 13050 (d)
17.	Other types of discharges identified and recommended by the Permittees and approved by the Regional Board

Permittees do not have the authority to enforce the provisions of the California Industrial Activities NPDES General Permit (State Industrial General Permit) or California Construction Activities NPDES General Permit (State Construction General Permit). The State Water Resources Control Board (State Board) issued these NPDES permits and neither the State Board nor the Regional Board can delegate that responsibility to the Permittees. However, local stormwater and erosion control ordinances may address items similar to those identified in these statewide General Permits. Detailed information regarding enforcement of violations at industrial facilities and construction sites is described in Section 3 and 4.

2.2 RELATIONSHIP BETWEEN DAMP BMPS AND COMPREHENSIVE STORMWATER ORDINANCES

In addition to facilitating the implementation of the Permittees' enforcement/compliance programs, the comprehensive stormwater ordinances adopted by the Permittees satisfy the following BMPs in the DAMP:

- ◆ **BMP R1:** Research, strengthen if needed, and enforce existing regulations which provide the legal authority to eliminate cross-connections, to prevent sanitary sewage and/or commercial/industrial wastewater from entering storm drains or drainage channels.

- ◆ **BMP R2:** Research, strengthen if needed, and enforce regulations that prevent the improper disposal of pollutants into storm drains and drainage channels.
- ◆ **BMP R5:** Develop, implement, and enforce regulations that will provide authority to prohibit direct connections to the drainage system (i.e., prohibit roof downspouts that are directed to impervious surfaces). This regulation would also address retrofitting of existing businesses where practical and feasible.
- ◆ **BMP R9:** Review existing ordinances and other land use controls to consider the need for the adoption of a new ordinance or amendments to existing ordinances for controlling stormwater (e.g., land use ordinance). The objectives of a new ordinance or amendments to existing land use controls would be to control the overall quality of runoff. Specifically, an ordinance or amendments should require that new development projects and significant re-development projects implement feasible and appropriate structural practices to control peak discharges, promote infiltration, direct flows around areas that may be prone to pollutant accumulation such as gas stations, equipment yards, and properly manage the quality of any resultant runoff.
- ◆ **BMP R10:** Based on BMP R9, develop a model stormwater management ordinance for potential future adoption by municipalities in Riverside County or amend existing ordinances. The policies should apply to all public sector and private sector development programs.

3.0 ENFORCEMENT/COMPLIANCE PROGRAMS

As mentioned previously, Permittees are required to develop this Enforcement/Compliance Strategy in order to enforce local stormwater and erosion control ordinances. As such the necessary enforcement/compliance programs implemented by the Permittees will serve to prohibit illicit connections or discharges to the stormwater facilities; require new development BMPs; require BMPs for construction activities for erosion and sediment control; and prohibit non-stormwater discharges.

Each Permittee will implement an enforcement/compliance program that, at a minimum, meets the guidelines described below or develop and obtain Regional Board approval for an alternative program. Permittees may deviate from the guidelines presented below if they provide justification for this deviation. The minimum program guidelines described in this section of the Enforcement/Compliance Strategy are intended to ensure consistency amongst Permittees in satisfying the requirements of Section V.10 of the Municipal Stormwater Permit. These guidelines also address mechanisms to determine the compliance of industrial facilities and construction sites with local stormwater and erosion control ordinances, complaint response, and spill response.

It is important to note that although each Permittee is required to implement the following minimum guidelines described below, each program may be administered through differing staffing characteristics and differing levels of intensity. For example, small cities may need larger numbers of personnel and training for the enforcement of new development programs while established more fully developed cities may need greater enforcement efforts regarding compliance of existing commercial developments.

Appendix A contains information regarding which departments will be responsible for implementing the minimum requirements for each Permittee.

3.1 ILLICIT CONNECTIONS AND DISCHARGES

The Permittees have surveyed their storm drain facilities to identify any illicit connections to the system. Any illicit connections identified during these surveys were documented and removed where necessary in order to comply with the stormwater permit requirements. Enforcement programs for the identification and removal of illicit connections and discharges are complaint driven for general activities. The RCFC&WCD currently operates a 1-800 number that receives stormwater discharge complaints and routes these complaints to the appropriate agency within the watershed. This phone number will continue as part of the enforcement effort addressing general illicit connections and discharges.

Investigations will be performed by each Permittee in response to reports of illicit connections or illegal discharges received from the public or other agencies within their jurisdictions. The sources of these discharges may include residential, commercial, industrial and construction activities and other sources.

Permittees will meet the following minimum guidelines when responding to reports of illicit connections or illegal discharges:

- ◆ If the reported incident is outside of a Permittee's jurisdiction, referral to the appropriate agency and/or the Regional Board will be made within two (2) business days;
- ◆ Permittees will respond to reports of illicit connections or illegal discharges within their jurisdiction within ten (10) business days.
- ◆ Inspections performed in response to a report will be documented appropriately; and
- ◆ When appropriate, samples of illegal discharges will be collected.

Construction site inspectors will also report potential illicit connections and illegal discharges discovered during the course of existing routine inspection to the Regional Board. Although construction site violations may be enforced initially through local stormwater and erosion control ordinances, referrals will be made to the Regional Board if compliance is not achieved.

Existing inspection programs for industrial and commercial facilities will also be used to identify illicit connections or discharges. Industrial facility inspectors will report potential illicit connections and illegal discharges discovered during the course of existing routine inspection to the Regional Board. Although these violations may be initially enforced through local stormwater ordinances, referrals will be made to the Regional Board if compliance is not obtained. Referrals to the Regional Board will be made for facilities where potential illicit connections and illegal discharges are noted, regardless of whether the facility is required to obtain coverage under the State Industrial General Permit.

The notification of potential non-compliance should be routed through the Permittee's stormwater compliance coordinator before being forwarded to the Regional Board.

3.2 NEW DEVELOPMENT AND/OR REDEVELOPMENT COMPLIANCE

Permittees will require new developments and/or significant redevelopment projects to implement the BMPs outlined in Supplement A of the DAMP. This will be required during the environmental review of a project and during plan checking activities for the project.

3.3 COMPLIANCE OF CONSTRUCTION ACTIVITIES

In determining the compliance of construction sites, Permittees will implement the following minimum guidelines:

Check for Submittal of NOI

For projects subject to the requirements of the State Construction General Permit, require evidence that an NOI has been submitted to the State Board prior to issuance of grading permits or other approvals.

Include Stormwater Considerations in Existing Inspection Programs

During existing construction site inspections, note whether the site:

- ◆ Appears to be in compliance with local stormwater and erosion control ordinances;
- ◆ Has prepared and implemented an appropriate Storm Water Pollution Prevention Plan (SWPPP) when required by the State Construction General Permit. Construction activity that results in a soil

disturbance of at least five acres or which is part of a larger common plan of development or sale that results in a soil disturbance of at least five acres is required to comply with the State Construction General Permit; and

- ◆ Appears to have active non-stormwater discharges or potential illicit connections or illegal discharges to the storm drain system.

This information will be documented on a separate form or will be incorporated into existing inspection forms.

Provide Reports to the Regional Board

During the course of existing inspections of construction sites, if it appears that a construction site is required to comply with the State Construction General Permit, the inspector will ask the site manager whether or not a SWPPP has been prepared and implemented for the site. If the construction site operator indicates that a SWPPP has not been prepared and implemented, the inspector will issue a correction notice and notify the appropriated Permittee personnel that will in-turn notify the Regional Board. Permittees may also choose to request a current listing from the Regional Board of all construction sites within their jurisdiction covered under a State Construction General Permit to facilitate this process.

Inspectors will also provide educational materials regarding the requirements of the State Construction General Permit to contractors.

3.4 NON-STORMWATER DISCHARGES

As mentioned previously, enforcement of general non-stormwater discharges is complaint driven with the exception of existing inspection programs for industrial and commercial land uses.

3.4.1 Region-wide Industrial Inspections

The County Health Services Agency, Department of Environmental Health was recently certified by the State as the sole Certified Unified Program Agency (CUPA) for the County. In this capacity, the Department of Environmental Health will be responsible for the oversight of hazardous materials management within the County. The purpose of the CUPA program is to consolidate programs related to the management of hazardous materials within the County under a single administrative unit in order to reduce fragmentation of programs and to assist businesses in accessing needed services.

In the process of administering the CUPA program, the Department of Environmental Health, and the Cities of Banning, Corona and Riverside as Participating Agencies, conduct onsite annual inspections of approximately 5,500 food preparation facilities and biannual inspections of 1,200 hazardous materials use facilities throughout the incorporated and unincorporated areas of the County.

The Department of Environmental Health has entered into an agreement with RCFC&WCD as the principal Permittee to provide stormwater inspections in addition with the regular inspection activities. The inspectors provide educational materials to industrial and commercial establishments regarding general stormwater pollution information and regarding the State General Industrial Permit. Inspections that result in necessary enforcement action are referred to the appropriate County or City agency.

3.4.2 Local Industrial/Commercial Facility Inspections

The State Industrial General Permit is issued directly by the State Board and is not enforceable by the Permittees. A violation of the State Industrial General Permit may only be enforced by a Permittee if that violation is also a violation of a Permittee's local ordinance. However, Provision 10 of the Municipal Stormwater Permit states that the Permittees shall include in their enforcement/compliance programs a mechanism to determine compliance of industrial facilities. Further, Finding 18 of the Permit states that the Permittees have agreed to notify the Regional Board where facilities have failed to obtain coverage under the State Industrial General Permit.

For those agencies with existing local industrial/commercial inspection programs the following minimum guidelines will apply:

During existing industrial facility inspections, in addition to current inspection procedures, the inspectors will document whether the facility:

- ◆ Appears to be in compliance with local stormwater ordinances;
- ◆ Has submitted a Notice of Intent to comply with the State Industrial General Permit; and
- ◆ Appears to have active non-stormwater discharges or potential illicit connections or illegal discharges to the storm drain system.

This information will be documented on a separate reporting or included on existing inspection forms.

Provide Reports to the Regional Board

During the course of existing local inspections of industrial facilities, if it appears that an industrial facility is required to comply with the State Industrial General Permit, the inspector will ask the facility operator whether or not an NOI to comply with the State Industrial General Permit has been filed. If the facility operators indicate that an NOI has not been filed, the inspector will provide the operator with an informational sheet on the requirements of the State Industrial General Permit and note the name, address, and SIC code of the facility. A listing of these facilities will be compiled and forwarded to the Regional Board on a frequency to be determined by the Permittee. Permittees may also choose to request a current listing from the Regional Board of all industrial facilities within their jurisdiction covered under the State Industrial General Permit to facilitate this process.

The information flyer is intended to educate facility operators on the State Industrial General Permit requirements and encourage voluntary compliance. Inspectors will also provide educational materials to operators who are unaware of the State Industrial General Permit requirements and for those operators that request additional information.

4.0 ENFORCEMENT/COMPLIANCE PROCEDURES AND POLICIES

The goal of the Enforcement/Compliance strategy is to fairly and consistently enforce stormwater requirements throughout the area covered by the Municipal Stormwater Permit. However, there is no clear, standard approach to dealing with all of the enforcement situations that may be encountered. Generally, the professional judgement of the enforcement staff will determine the appropriate level of response. The following sections provide guidelines for Permittees in implementing enforcement actions appropriate for a given violation.

Appendix A contains information regarding which department will be responsible for implementing the minimum requirements for each Permittee.

4.1 PRIORITIZE VIOLATIONS

The local stormwater and erosion control ordinances cover a wide range of prohibited activities with varying magnitudes of potential impact on the beneficial uses of receiving waters. For example, discharges of either hazardous materials (e.g., solvents and pesticides) or non-hazardous materials (e.g., food wastes, trash, and debris) into the storm drain system are both violations of stormwater ordinances subject to enforcement. Similarly, an accidental spill into a catch basin inlet and an intentional discharge from an illicit connection are both violations. Therefore, it is important to consider the circumstances of each individual incident in determining appropriate enforcement responses. Prioritizing violations is also important in focusing local resources on those violations that may have the greatest potential impact on the beneficial uses of receiving waters quality.

4.1.1 Factors To Consider When Prioritizing Violations

It is not feasible to quantify the magnitude of violations of the stormwater and erosion control ordinances. Instead, prioritizing violations is based on experience and professional judgment, taking into account factors that may include the following:

- ◆ Characteristics of the potential pollutant (based on chemical characteristics and potential to impact beneficial uses of receiving waters);
- ◆ Sensitivity of the affected receiving waters;
- ◆ Proximity of receiving waters;
- ◆ Magnitude of discharge (volume and mass);
- ◆ Responsiveness of the discharger in taking corrective actions;
- ◆ Intent of the discharger (i.e., is violation accidental or the result of an accident or a deliberate attempt to circumvent regulations);
- ◆ Frequency of the violation; and
- ◆ Previous history of non-compliance of the responsible party.

A discussion of each of these relevant factors is provided below.

Characteristics of the Potential Pollutant

The characteristics of potential pollutants are one factor to evaluate when prioritizing violations. The more toxic, hazardous, or detrimental to the beneficial uses of the receiving waters a pollutant is the higher priority the discharge.

Sensitivity of the Affected Receiving Waters

The sensitivity of the affected receiving waters should be considered directly proportional to the priority of the violation because, for example, a more sensitive receiving water may suffer severe adverse effects from the discharge of a particular pollutant whereas a less sensitive receiving water may suffer no adverse effects from the same pollutant discharge. It is also important to consider that a receiving water may be highly sensitive to one potential pollutant discharge while, at the same time, completely insensitive to another potential pollutant. Examples of receiving waters that may be particularly sensitive include those with municipal supply or wildlife habitat designated beneficial uses.

Proximity of Receiving Waters

The closer a receiving water is to the discharge, the less chance there is for dispersion, dilution, or degradation of the potential pollutant. Therefore, the closer the discharge is to receiving waters to the violation, the higher priority the violation is.

Magnitude of Discharge

A larger illegal discharge should be of a higher priority than a smaller illegal discharge because as the magnitude of the pollutant discharge increases the extent of impact of the discharge on the environment increases as well.

Responsiveness of Discharger

A discharger who is responsive and implements a good faith effort to correct a violation is more likely to minimize adverse impacts to surface water quality than a discharger who takes no action to correct a violation. Therefore, the priority of a violation should decrease as the responsiveness of the discharger increases.

Intent of Discharger

In conjunction with the responsiveness of the discharger, the intent of the discharger should also be considered when prioritizing violations in order to focus enforcement actions on dischargers who deliberately violate local stormwater and erosion control ordinances. Violations, which are the result of a willful or knowing intent to violate local stormwater and erosion control ordinances, should be of a higher priority than violations resulting from negligence or accidents.

Frequency of Violation

Violations of local stormwater and erosion control ordinances that are continuous or reoccurring should be of a higher priority than isolated occurrences of violations. The more frequent a violation, the more likely it is that the discharge will impact surface water quality.

Previous History of Non-Compliance

A poor history of non-compliance of a discharger should result in a higher prioritization of subsequent violations as compared to a discharger with a good history of compliance because a history of non-compliance is evidence of a discharger's lack of concern for complying with local stormwater and erosion control ordinances.

4.1.2 Violation Prioritization

Table 3 presents the severity of violations based on the factors described above. Table 3 also describes the criteria chosen to characterize the severity of a violation as “high”, “medium”, or “low.” For example, using Table 3, the accidental dumping of 20 gallons of trash several hundred yards away from an ephemeral stream would be considered a low priority violation whereas an intentional discharge of 2,000 gallons of pesticide directly into aquatic wildlife habitat would be a high priority violation.

However, violations may not be clearly defined by any of the priority levels described by Table 3. It is more likely that a violation would be characterized by factors representing more than one of the priority levels described in Table 3. In this case, a subjective evaluation of the violation would be required to select the priority level most representative of the characteristics and circumstances surrounding the violation.

Although different criteria could be chosen to represent the three priority levels, Table 3 has been developed to facilitate some level of consistency in enforcement actions between the Permittees. Permittees may use different characteristics for each factor of Table 3 if they provide justification.

Table 3. Criteria to Prioritize Violations

Factors Affecting the Severity of Violations	Priority Level		
	High	Medium	Low
Pollutant Characteristics	Hazardous Materials (e.g., pesticides and solvents)	Metals, Nutrients, Sediment, other Non-Hazardous Materials	Trash and Debris
Sensitivity of Receiving Waters	Drinking Water Source, Wildlife Refuge	Recreational reservoir, riparian habitat	Dry, ephemeral stream
Proximity of Receiving Waters	Adjacent	Several hundred feet away	Several hundred yards away
Discharge Magnitude	1000's Gallons	100's Gallons	10's Gallons
Responsiveness of Discharger	No action to contain or mitigate discharge	Reactive to control discharge when requested (i.e., cooperative)	Implements spill control plan at own initiative or shows good faith effort to respond
Intent of Violation	Intentional	Discharge due to lack of controls or negligence	Implemented and maintained controls that failed (i.e., accident)

Factors Affecting the Severity of Violations	Priority Level		
	High	Medium	Low
Frequency of Violation	Continuous	Intermittent	Isolated incident
Previous History of Discharger	Enforcement and cleanup historically resisted and more than one previous violation	Enforcement and cleanup performed when threatened and one or less previous violations	Enforcement and cleanup performed when requested and no previous violations

4.2 ENFORCEMENT/COMPLIANCE RESPONSES

4.2.1 Types of Enforcement/Compliance Responses

The enforcement/compliance response should be based on the severity of the violation. The hierarchy for the types of enforcement/compliance responses available, in order of increasing severity, is:

- ◆ Education and information,
- ◆ Verbal warning,
- ◆ Written warning,
- ◆ Notice of non-compliance,
- ◆ Administrative compliance order,
- ◆ Stop work order or cease and desist order,
- ◆ Misdemeanor,
- ◆ Infraction,
- ◆ Citation, and
- ◆ Referral to the Environmental Crimes Strike Force.

A discussion of each of these enforcement/compliance responses follows:

Administrative Remedies

Notice of Noncompliance: The Notice of Noncompliance constitutes a basic request that the property owner or facility operator rectify the condition causing or threatening to cause noncompliance with the stormwater or erosion control ordinance. The Notice of Noncompliance is generally issued when one or more of the following circumstances exist:

- a) The violation or threat is not significant and has been short in duration,
- b) The responsible party is cooperative and has indicated a willingness to remedy the conditions,
- c) The violation or threat is an isolated incident, and
- d) The violation or threat does not affect and will not harm human health or the environment.

Administrative Compliance Orders: The Administrative Compliance Order is generally an appropriate enforcement tool in the following circumstances:

- a) An actual condition of noncompliance exists, but the condition cannot be remedied within a relatively short period of time.
- b) The owner of the property or facility operator has indicated willingness to come into compliance by meeting milestones established in a reasonable schedule.
- c) The violation does not pose an immediate threat to human health or the environment.

Stop Work Order or Cease and Desist Order: The Stop Work Order or Cease and Desist Order is appropriate when the immediate action of the owner of property or operator of a facility is necessary to stop an existing discharge, which is occurring in violation of an ordinance. The Cease and Desist Order may also be appropriately issued as a first step in ordering the removal of nuisance conditions, which threaten to cause an unauthorized discharge of pollutants if exposed to rain or surface water runoff. The Cease and Desist Order is generally issued when one or more of the following circumstances exist:

- a) The violation or threat is immediate in nature and may require an emergency spill response or immediate nuisance abatement if left unattended.
- b) The violation or threat exhibits a potential situation that may harm human health or the environment.
- c) The inspector's contacts with the property owner or facility operator indicate that further authority of the Permittee may need to be demonstrated before remedial action is forthcoming.
- d) The inspector's prior Notices of Noncompliance have not obtained a favorable response.

Prior to issuance of any Administrative Compliance Order, Cease and Desist Order or commencement of other civil or criminal enforcement action against any person, the Permittee should deliver to the person a written Notice of Noncompliance, which states the act or acts constituting the violation and directs that the violation be corrected. The Notice of Noncompliance should provide the person with a reasonable time period to correct the violation before further proceedings are brought against the person. However, a Notice of Noncompliance should not be the first enforcement method used if egregious or unusual circumstances indicate that a stronger enforcement method is appropriate.

Criminal Enforcement

Misdemeanors: Criminal enforcement is appropriate when evidence of noncompliance indicates that the violator of the Ordinance has acted willfully with intent to cause, allow continuing or concealing a discharge in violation of the Ordinance.

Infractions: At the discretion of the Permittees' attorneys, misdemeanor acts may be treated as infractions. Factors that the attorney may use in determining whether the misdemeanor is more appropriately treated as an infraction may include:

- a) The duration of the violation or threatened violation.
- b) The compliance history of the person, business or entity.
- c) The effort made to comply with an established compliance schedule.

- d) The existence of prior enforcement actions.
- e) The actual harm to human health or the environment from the violation.

Issuance of Citation: Where criminal enforcement is indicated, the inspector will issue a citation including:

- a) The name and address of the violator,
- b) The provisions of the Ordinance violated,
- c) The time and place of required appearance before a magistrate.

The offending party must sign the citation thereby promising to appear. If the cited party refuses to sign the citation, the inspector may cause the arrest of the discharger, or may refer the matter to the municipal attorney for issuance of a warrant for arrest. Inspectors should be aware that cited parties have the right to demand the immediate review by a magistrate, and such a request must be granted. Inspectors should respond to such a request by referring the request to the Permittee's police department.

Referral to Environmental Crimes Strike Force

The Riverside County Environmental Crimes Strike Force is a committee designed to pursue enforcement of serious environmental crimes. Referral of a case to the Environmental Crimes Strike Force would occur after repeated attempts at obtaining compliance have failed.

4.2.2 Appropriate Enforcement/Compliance Responses

Table 4 lists appropriate enforcement responses that correspond to the priority level (i.e., severity) of a violation as determined from Table 3. Permittees and the Regional Board will work cooperatively in implementing enforcement/compliance responses according to Table 4 unless there is justification for implementing alternate actions. In general, the Regional Board will take the lead in initiating enforcement actions related to high-priority incidents and the Permittees will take the lead in initiating enforcement actions related to medium and low-priority incidents. Finally, the Regional Board will take all enforcement actions related to compliance with the State General Permits.

Permittees will implement enforcement/compliance actions within 60 days from the date the violation was identified.

Table 4. Enforcement Responses to Respond to Violations

Incident Priority Level ¹	Appropriate Enforcement Responses ²	Lead Enforcement Agency	
		Permittee	RWQCB
High	<ul style="list-style-type: none"> Referral to Environmental Crimes Strike Force Citation Infraction Misdemeanor 		X X X X
Medium	<ul style="list-style-type: none"> Infraction Misdemeanor Stop work order or cease and desist order Administrative compliance order Notice of non-compliance 	X X X X X	X X
Low	<ul style="list-style-type: none"> Administrative compliance order Notice of non-compliance Written warning Verbal warning Education and information 	X X X X X	

¹ See Section 4.1

² Although it may not be an appropriate response for a high or medium level violation, education and information should be incorporated into all enforcement responses.

Permittees will emphasize and encourage voluntary compliance with stormwater and erosion control ordinances to the maximum extent practicable.

4.3 COORDINATION OF ENFORCEMENT/COMPLIANCE ACTIVITIES WITH OTHER PERMITTEES

Coordination with other Permittees and government agencies including the Regional Board is essential for successful implementation of an enforcement/compliance program. The entire storm drain system is not controlled by a single Permittee, nor does any single Permittee have authority to enforce violations occurring outside of its jurisdiction. Further, other governmental agencies may have additional enforcement authorities that are appropriate to the situation. Each Permittee will coordinate its enforcement activities, as required, with the appropriate Permittees and agencies in accordance with the following guidelines:

- ◆ Enforcement will be coordinated when multiple agencies have jurisdiction and an agency has not been able to obtain compliance by the discharger.
- ◆ Unless otherwise agreed to in writing, the lead enforcement agency role will be assigned on the basis of the origin of the discharge.
- ◆ The Regional Board will be the lead enforcement agency for higher priority discharges.
- ◆ Investigation and other relevant information will be shared between the participating agencies in a timely fashion.

4.3.1 Lead Enforcement Agency Status/Responsibilities

The lead enforcement agency will assume the following responsibilities:

- ◆ Coordinating activities and assigning responsibilities (e.g., investigations, site visits, etc.) among participating agencies;
- ◆ Maintaining communication and information exchange among participating agencies; and
- ◆ Ensuring that follow-up actions are implemented.

4.3.2 Enforcement Activities Directory

A list of contact names identifying who should be contacted to coordinate enforcement activities for each Permittee, as well as the Regional Board and other potentially interested agencies will be developed as part of the enforcement/compliance strategy. This list will be maintained and distributed to the Permittees and others as appropriate by the RCFC&WCD to facilitate coordination of enforcement activities

4.4 COORDINATION WITH THE REGIONAL WATER QUALITY CONTROL BOARD

Under the Porter-Cologne Water Quality Act, the State has provided the Regional Board with overriding authority to manage water quality and administer compliance with state and federal water quality law. This authority includes the ability to impose more significant fines and other sanctions than the Permittees throughout the area covered under the Municipal Stormwater Permit. With this authority, the Regional Board may be more effective in obtaining the cooperation of those who violate stormwater requirements. The Regional Board will be notified by Permittees when findings of potential non-compliance with the State General Permits have been identified (as described in Section 3) or when Permittees have been unable to obtain the compliance of a party responsible for violating local stormwater or erosion control ordinances. The list of contact names maintained by the RCFC&WCD will identify the appropriate Regional Board staff to contact to initiate coordination of enforcement activities or to notify the Regional Board of potential findings of non-compliance.

Where appropriate, notifications of potential non-compliance should be forwarded to the designated Regional Board contact person by the Permittee's stormwater compliance coordinator.

4.5 COORDINATION WITH OTHER AGENCIES

In addition to the Regional Board, Permittees may also find it useful or necessary to coordinate or report findings of potential non-compliance to other government agencies with jurisdiction over water quality issues including the California Department of Fish and Game and the United States Fish and Wildlife Service. The list of contact names maintained by the RCFC&WCD will identify the appropriate staff at these agencies to contact to initiate coordination of enforcement activities or to notify of potential findings of non-compliance.

5.0 STAFF TRAINING GUIDELINES

Staff training is necessary for a successful enforcement/compliance program so that staff can recognize and respond to violations in an appropriate manner. Therefore, staff involved in implementing a Permittee's enforcement/compliance program should be aware of the local, state, and federal stormwater regulations and the procedures developed to enforce these regulations.

5.1 SCOPE OF TRAINING

Permittees will provide stormwater training to staff that are involved in inspections of industrial facilities and construction sites, enforcement of stormwater and erosion control ordinances, administration of the enforcement/compliance program, and other appropriate staff.

Staff training will address the following areas:

- ◆ Requirements of the local stormwater and erosion control ordinances,
- ◆ Requirements of the Municipal Stormwater Permit and DAMP,
- ◆ Requirements of the State Industrial and Construction General Permits, and
- ◆ Requirements of this Enforcement/Compliance Strategy.

Industrial facility and construction site inspectors should also receive training regarding stormwater pollution prevention plans for construction sites, and selection of appropriate BMPs for industrial facilities and construction sites.

Knowledge of the applicable requirements and the stormwater program in general will help inspectors and other staff to recognize potential violations, respond with appropriate levels of enforcement, and effectively coordinate with other agencies.

5.2 FREQUENCY OF TRAINING

The applicable staff identified in Section 5.1 and new staff will receive initial stormwater training as described in Section 5.1. Thereafter, applicable staff will receive annual refresher training.

The Permittees will provide initial staff training within six (6) months after written notice of approval of the Enforcement/Compliance Strategy by the Regional Board.

6.0 RECORD KEEPING AND REPORTING GUIDELINES

Each Permittee will implement appropriate record keeping and reporting procedures for records pertaining to their enforcement/compliance program. Proper record keeping and reporting is helpful to establish and document the extent of program implementation and is important for overall enforcement and documentation of chronic discharges.

6.1 MINIMUM GUIDELINES

Information to be retained regarding the enforcement/compliance program will include the following materials:

- ◆ Documentation of staff training;
- ◆ Inspection notes or reports;
- ◆ Warning letters, violation notices, etc.;
- ◆ Documentation of follow-up actions;
- ◆ Contact reports from meetings or conversations with violators, Permittees, or other agencies; and
- ◆ Copies of notifications of potential non-compliance.

6.2 ANNUAL SUMMARY

Each Permittee will complete an annual summary of enforcement/compliance actions to document implementation of their enforcement/compliance program. The summary will document the responsible party, address, type of facility, description of violation, date of initial violation, and enforcement/compliance actions implemented for violations identified by a Permittee.

The types of violations to be documented in the annual summary will be determined by each Permittee. It should be noted that it might not be appropriate to document all enforcement/compliance actions, but rather the more significant actions. Copies of the annual summaries of enforcement actions will be forwarded to the Permittee's stormwater compliance coordinator for review, record keeping, and annual reporting to the Regional Board, as required.

6.3 RECORDS RETENTION

The Municipal Stormwater Permit does not specify a minimum period for record retention; however, consistent with the requirements of the State Industrial General Permit, Permittees will maintain compliance records for a minimum of five years.

APPENDIX A

SUMMARY OF CITY ENFORCEMENT ACTIVITIES

CITY OF BEAUMONT

Construction Site Inspections

Inspections are performed by the City of Beaumont Building Department at public and private construction projects to ensure that construction is performed according to approved specifications and building codes. Inspection frequency vary by project, but sites are generally inspected daily (by appointment). During inspections, construction is checked against plans, specifications, and building codes. Inspection cards are used for record keeping documenting inspections. When violations are identified, a correction notice is issued and re-inspection is performed. If a correction notice is ignored, the City of Beaumont may refuse to issue a final permit (e.g., for occupancy). Stop work orders are generally issued for dust control, traffic impacts, or to ensure safety. Inspectors have attended an American Public Works Association seminar on construction stormwater best management practices.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Code Enforcement

The City of Beaumont Code Enforcement Department enforces city ordinances by issuing notices of violation and citations. The Police Department issues citations to enforce City ordinances as requested by other departments. Code Enforcement has been involved in investigations to identify the sources of suspect sewage discharges into the wastewater treatment plant. Code Enforcement responds to calls regarding illegal dumping and then refers enforcement to the County Fire Department (Hazmat).

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control, Industrial Facilities

CITY OF CALIMESA

Due to the small geographic size of the City and subsequent small staff size the City can and does provide staff education regarding the stormwater permit requirements. As such the City can enforce the permit requirements uniformly and promptly upon receiving notification of a potential violation.

Construction Site Inspections

The City of Calimesa Planning, Building, and Public Works Departments inspects public and private new construction sites. Inspections are performed as requested by the contractor when approval is needed at specific project stages (a minimum of once). During inspections, construction is inspected to ensure compliance with plans, specifications, and municipal codes. Warnings, correction notices and stop work orders are issued as necessary and are followed up with re-inspection. Enforcement authority is generally cited from the municipal code. Informational material on construction stormwater best management practices is available at the permit counter and inspectors have received training on construction stormwater best management practices.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Additional Information

Reports of illegal dumping are referred to the County of Riverside Sheriff's Department or County Fire Department (HAZMAT).

CITY OF CANYON LAKE**Construction Site Inspections**

The City of Canyon Lake Building and Safety Department inspects construction sites and grading sites. Grading sites are inspected by soils engineers hired by the contractors. During inspections, construction is checked to ensure compliance with approved plans, specifications, and building codes. Violations are enforced with warnings, notices of violation, or referral to the City Attorney

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Code Enforcement

The City of Canyon Lake Code Enforcement Department enforces city ordinances. A comprehensive stormwater ordinance was adopted in 1996. Code Enforcement Department staff has received training regarding stormwater pollution and other potential discharge violations. An active program on onsite and area-wide compliance is in place. Violations are enforced with notices of violation or referral to City Attorney.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control, Industrial Facilities

CITY OF CORONA**Construction Site Inspections**

The Public Works Department inspects public and private construction sites and grading operations to ensure that contractors and developers are complying with the requirements of the NPDES general construction permit. Construction activities are inspected against stormwater pollution prevention plans to assure proper implementation of appropriate best management practices. Inspections are conducted daily/routinely during grading, street improvements, utility line construction and before and after rain events. The inspections are documented with the NPDES compliance report checklist indicated in Exhibit A. The inspection reports are filed and logged for follow up action. Enforcement action includes verbal and written notification of violations. The goal of the City is to work with owners and contractors to develop appropriate measures of compliance. However, stop notices are issued when there is no cooperation on behalf of the owner or contractor. Inspectors have received training regarding stormwater pollution prevention and best management practices.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

General (Residential, Commercial & Industrial) Violation

The Code Enforcement Section of the Planning Department enforces chapter 8.04 of the City Code that pertains to accumulation of debris, rubbish, and trash on private or public property as well as abandoned vehicles. Enforcement activities preventing and removing these two types of public nuisances assists in removing potential storm water pollutants. Enforcement activities involving private parties include orders to cease and desist, verbal warnings, written warnings, assessment of fees for removal of the trash or abandoned vehicles, assessment of fines, as well as possible criminal action. Reports of trash and litter dumping in the public right-of-way is referred to the Street Maintenance Division of the Public Works Department for enforcement, under chapter 8.20 of the City Code. Enforcement activities for litter dumping in the public right-of-way generally consist of removal of the trash. Should the person or agency responsible for the action be identified then enforcement activities would potentially include an order to cease and desist from this activity, verbal warnings, written warnings, assessment of fees for removal of trash, or assessment of fines.

Illicit connections, unapproved wash downs, and other illegal discharges to the storm drain system and public rights-of-way are inspected by the Public Works NPDES section authorized per City Code chapter 13.27 of City Municipal Code using the report indicated in Exhibit B. Should the person or agency responsible for the action be identified then enforcement activities would potentially include an order to cease and desist from this activity, verbal warnings, written warnings, assessment of fees for removal of discharge, or assessment of fines.

Industrial Facility Inspections

The Industrial Waste Section of the City's Utilities Services Department conducts pretreatment inspections at commercial and industrial facilities to regulate discharges to the City's wastewater treatment plant. Facilities with industrial waste discharge permits and facilities that have a potential to discharge priority pollutants into the sewer system are included in the program. Inspectors perform drive-by inspections of new industrial facilities and check SIC codes on business license applications to determine whether a facility has the potential of discharging pollutants to the sewer. Materials, activities, and pretreatment controls are inspected to ensure that there are no illegal discharges or illicit connections to the sewer. Inspections are conducted a minimum of twice per year. Enforcement involves issuing notices and cease and desist orders.

The City Fire Department implements a hazardous materials inspection program at commercial and industrial facilities that store hazardous materials. Inspectors check for proper containment, storage, and location of hazardous materials. Inspections include indoor and outdoor hazardous materials storage areas and are conducted annually. Violations are enforced with correction notices. Re-inspection is performed to ensure that necessary corrections have been made.

CITY OF LAKE ELSINORE**Construction Site Inspections**

The City of Lake Elsinore Engineering Division and Building Department inspect grading activities and building sites to ensure compliance with approved plans, specifications, and building codes and to check for construction best management practices to reduce stormwater pollution. Violations are enforced with a stop work notice or citation. Inspectors have attended a training seminar on construction best management practices.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Code Enforcement

The code enforcement officer in the City of Lake Elsinore's Code Enforcement Department is responsible for enforcing the City's stormwater related ordinance. For example, car washing (i.e., for fundraising) activities are required to obtain written permission, collect wash water runoff, and use biodegradable cleaning materials. Notices of violation and citations are issued for violations and fines are increased if violations are not corrected. The code enforcement officer revisits sites to ensure compliance. Re-inspection is scheduled as appropriate, generally within one week. Code enforcement officers generally respond to complaints only but periodically ride along with the Sheriff's Department to perform visual sweeps, particularly in known problem areas. Enforcement procedures are coordinated verbally between staff, divisions, and departments, with hard copy to follow. Reports of illegal discharges are referred to the County Environmental Health and Fire Departments as necessary for additional follow-up.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control, Industrial Facilities

CITY OF HEMET**Construction Site Inspections**

Inspections are performed by the City of Hemet Public Works/Engineering Department at public and private construction projects to ensure that construction is performed according to approved specifications and building codes. Active construction sites are generally inspected daily as part of the overall construction inspection program. During inspections, construction is checked against plans, specifications, and building codes. The inspectors' log is used for record keeping documenting inspections. When violations are identified, a correction (stop-work) notice is issued and re-inspection is performed. If a correction notice is ignored, the City may refuse to issue a final permit (e.g., for occupancy). Stop work orders are generally issued for dust control, traffic impacts, or to ensure safety. Inspectors have attended a Riverside County Flood Control and Water Conservation District-sponsored workshop on construction stormwater best management practices.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Code Enforcement

The City of Hemet Code Enforcement Department enforces city ordinances by issuing notices of violation and citations. Code Enforcement responds to calls regarding illegal dumping and coordinates with the Integrated Waste Management Department. If the responsible party is identified, a verbal warning is issued. The nature of follow-up actions depends upon the circumstances of the violation. Fines have not yet been established for dumping violations.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control, Industrial Facilities

Industrial Facility Inspections

The City Fire Department inspects businesses once every three years for general housekeeping, fire hazards, and extinguishers. Businesses are also expected to perform self-inspections. The Fire Department also inspects businesses with disclosed business plans for hazardous materials storage practices every three years to ensure that materials are properly stored and contained in the event of a spill or leak. Fire inspectors check for compliance with the City's industrial waste ordinance and fire codes at that time. The Fire Department's

Hazardous Materials Team responds to reports of hazardous materials spills or dumping and coordinates spill response with the County of riverside Fire Department when the city team is unable to respond.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, and Industrial Facilities

Additional Information

The Industrial Waste section of the Eastern Municipal Water District (EMWD) implements the sewage pretreatment program for industries within the City of Hemet. The EMWD must approve Certificate of Occupancy applications. Additionally, the City's Business License Inspector makes random visits to industrial and commercial facilities to ensure that information on the license is accurate.

CITY OF SAN JACINTO**Construction Site Inspections**

Daily inspections of public and private construction projects are performed by the City of San Jacinto Public Works Department to ensure that construction is performed according to approved plans, specifications, and building codes. Verbal warnings are issued when violations are identified. Inspectors are familiar with construction stormwater best management practices and provide contractors and developers with photocopied sections of the *California Best Management Practices Handbooks* as educational materials when needed.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Code Enforcement

The City of San Jacinto's Public Works Department enforces City ordinances including the stormwater ordinance. Violations are enforced with verbal and written warnings, stop notices, and citations. Reports of illegal dumping or illicit connections are investigated in cooperation with the County of Riverside Fire Department if necessary. Suspected violations are also reported to the County of Riverside Environmental Health Department as appropriate. Spills or discharges of non-hazardous materials are cleaned by the Public Works Department while spills or discharges of hazardous materials are referred to the County Fire department.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control, Industrial Facilities

CITY OF MORENO VALLEY**Construction Site Inspections**

Inspectors in the City of Moreno Valley's Land Development Division perform inspections at public and private construction sites including street works, storm drains and channels, grading sites, and erosion control projects. Projects are inspected to ensure compliance with plans and specifications. Conditions of approval may have stormwater-related requirements, such as drainage requirements, grading specifications, etc. No specific stormwater pollution prevention related items are included as standard items on any forms or checklists. Inspectors have attended one training session on construction stormwater best management practices.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Code Enforcement

The City of Moreno Valley Land Development Department enforces the stormwater ordinance. When violations of the stormwater ordinance are detected, inspectors issue a verbal or written warning followed by citations, as necessary. No standard citation notices for stormwater violations currently exist. Re-inspection is performed to ensure that corrections are made as necessary. Coordination between departments is done verbally. Reports of illegal dumping are reported to the Land Development Department as well.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control, Industrial Facilities

CITY OF NORCO**Construction Site Inspections**

The City of Norco's Building and Public Works Departments conduct inspections of private and public construction projects, respectively. The frequency of inspections varies depending on the project activities. Construction is checked against approved plans, specifications, and building codes. Erosion and runoff control measures are evaluated during the plan check process and during construction site inspections.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Code Enforcement

The Code Enforcement and Engineering Departments are involved in enforcing provisions of the stormwater ordinance. Enforcement includes verbal warnings, citations (infractions), and citations (misdemeanors). Enforcement responses are dependent upon the significance of the violation, previous history of violations, and response to initial warnings. Enforcement procedures are coordinated between departments verbally, as needed. Issuance of warnings and citations are tracked to ensure follow through and case files are maintained. Inspectors have read the stormwater ordinance and have received training regarding enforcement of the ordinance or stormwater pollution prevention.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control, Industrial Facilities

Industrial Facility Inspections

The City of Norco Fire Department will begin performing inspections at industries that store hazardous materials. Under Article 80 of the Uniform Fire Code, inspections will be conducted to ensure proper storage, labeling, etc., of hazardous materials. Inspectors will also note potentially hazardous materials that could leak and enter the storm drain system. The frequency of these inspections has not yet been established. Inspectors have had training in regards to stormwater pollution prevention or best management practices.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, and Industrial Facilities

Additional Information

The Public Works Department responds to reports of illegal dumping. If the responsible party is identified, compensation for cleanup costs is pursued. Currently, no fines have been established.

Potential Involvement: Illegal Dumping, Non-Stormwater Discharges

CITY OF PERRIS**Regular Inspections of Businesses with SIC's of Concern**

The Neighborhood Preservation Section is the City division responsible for correlating and scheduling the regular inspection of businesses with SIC's of concern. The scheduling is done on a quarterly and yearly basis, and the location of businesses are correlated with a filed inspector's area of responsibility. For example, the Neighborhood Inspector responsible for the Downtown Area will be scheduled to inspect businesses located within that commercial district.

The general schedule of inspections provides that businesses that are automotive in nature including, but not limited to gasoline sales, maintenance and repair will be inspected quarterly. All businesses associated with the food industry, including but not limited to grocery stores, restaurants, delicatessens, drinking establishments, bakeries, and various markets will be inspected annually. Manufacturing plants that are industrial in nature, including but not limited to repair shops, assembly plants, wholesaling manufacturers, wholesale equipment wholesale equipment yards, and large volume distributors will be inspected annually.

General businesses with a SIC code of concern, including laundry mats, warehousing operations, garden industries, and suppliers of various types will be inspected annually.

Illicit Discharge/Illegal Dumping Special Inspections

The City's Neighborhood Preservation is responsible for seeking compliance when an illicit discharge or illegal dumping activity is discovered. All compliance activities for illicit Discharge/Illegal Dumping will be generated on a reactive basis. That is, a "special inspection" will be conducted after a member of Public Works, City Engineer's Office, or anonymous city resident has telephoned in a report of suspected illegal activity. Neighborhood Preservation staff will attempt to investigate all illegal dumping and illicit discharges calls, and if proper evidence as to guilt is established, the City will prosecute the polluter to the fullest extent of the law.

Regular Construction Site Inspections

The City Engineer's inspectors will inspect construction sites regularly to ensure that BMP's are being implemented, and that there are no illegal discharges or illicit connections occurring. With each regular inspection, the inspector shall complete a "Construction Inspection Checklist." Depending on the duration of the project, and depending on the status of compliance at the site, it may be necessary to complete and submit more than one checklist for each construction project. Any suspected compliance issues will be referred by the city engineer's office to the Neighborhood Preservation Section, immediately. The City Engineer will be responsible for record keeping of all checklists completed.

Determine Severity of Illegal Discharges and Direct Code Compliance Strategy

A key responsibility of the Storm Water Pollution Prevention Program coordinator is to direct enforcement activities related to the storm water pollution program. The program coordinator shall work with the Neighborhood Preservation section to determine appropriate actions to be taken against suspected polluters. Upon review of a summary report filed by a Neighborhood Inspector, the coordinator shall respond in writing to the Chief Building Official, as to the appropriate course of action to be taken.

**RIVERSIDE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT**

Construction Site Inspections

The Contract Administration department of the Riverside County Flood Control and Water Conservation District (RCFC&WCD) conducts inspections of RCFC&WCD construction projects. Construction sites include storm drains and channels, dams, bridges, roadways, and levees. The purpose of these inspections is to ensure that contractors are conforming to construction plans and specifications and complying with OSHA regulations and other contract requirements including stormwater requirements.

Contract documents specify requirements for measures to reduce potential pollution from construction projects. Bid documents may also require development and implementation of a stormwater management plan or implementation of best management practices. A pre-construction meeting is conducted to review project requirements, including requirements for best management practices.

During inspections, construction activities are compared against project plans and specifications. Reports of observations are maintained. Construction sites are inspected daily for the duration of the project. Inspectors provide verbal advice on best management practices to contractors to reduce stormwater pollution. Verbal and written warnings are issued when necessary to enforce contract provisions and RCFC&WCD has the authority to cease construction if necessary. Inspectors have received training regarding stormwater pollution prevention through attending workshops and meetings.

Potential Involvement: *Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control*

CITY OF RIVERSIDE**Construction Site Inspections**

The City of Riverside's Public Works/Engineering Department inspects public construction projects in City right of ways for compliance with approved plans, specifications, and building codes. Inspections are conducted daily at project sites. Enforcement includes verbal and written warnings, fines, and legal action. Inspectors are aware of and enforce construction stormwater pollution prevention requirements.

The Land Development Section of the Engineering Department responds to complaints of illegal grading activities and periodically performs drive-by inspections to detect illegal activities. If it is suspected that grading is not being performed according to plan, the grading plans will be checked against the approved grading plans and follow-up will be conducted as necessary. Erosion control requirements are part of the grading plans. Enforcement includes verbal and written warnings, notices of violation, stop work notices, and referral to the City legal department. The level of enforcement response is dependent upon the severity of the problem. Re-inspection is performed as needed to ensure that the necessary corrections have been made. The Code Enforcement and Police Departments are coordinated with as necessary. Supervisors have attended training sessions on construction stormwater best management practices.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Industrial Facility Inspections

The Industrial Waste Section of the Public Works Department implements a sewage pretreatment inspection program at commercial industries including restaurants, auto shops, dentists, small medical offices, and laundromats. Inspections are conducted at 90% of these facilities annually. Facilities with industrial waste discharge permits are inspected multiple times per year depending on discharge rates. Inspectors also respond to complaints of illegal dumping and non-stormwater discharges. Inspections focus on spill containment, discharge flow, maintenance of pretreatment equipment, and proper handling and disposal of waste materials. Inspectors also check for illegal discharges and undocumented connections to the sewer and storm drain systems. Records of inspections and facility information are stored on a computer database and in hardcopy files. Pollution prevention materials are distributed during inspections to facilities that are found to be in violation. Enforcement actions include verbal and written warnings, notices of violation, assessment of fines through the Code Compliance Section, and referral to the City Attorney. Re-inspection is performed to ensure that violations are corrected. Inspectors have received minimal training regarding stormwater pollution prevention and best management practices.

The City of Riverside Fire Department inspects approximately 10,000 businesses per year for general housekeeping, fire hazards, and extinguishers. The Fire Department also inspects businesses with disclosed business plans for hazardous materials storage to ensure that materials are properly stored and contained in the event of a spill or leak. Inspectors check for compliance with the City's industrial waste ordinance and fire codes. Inspections of gasoline service stations are complaint driven. The Fire Department also responds to reports of hazardous materials spills or dumping and coordinates spill response efforts with the County of Riverside Fire Department.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, and Industrial Facilities

COUNTY OF RIVERSIDE**Construction Site Inspections**

The County of Riverside Transportation Department performs inspections of public works construction sites in unincorporated areas. Private construction projects including housing tracts, commercial buildings, and grading projects are inspected by the County Building and Safety Department. Construction is checked to ensure compliance with approved plans, specifications, and building codes. Inspectors distribute brochures and provide verbal guidance on best management practices to contractors and developers as needed. Inspectors report violations to the Regional Board when contractors or developers fail to respond to written or verbal warnings. Inspectors have attended a two-day training class on construction stormwater best management practices.

Potential Involvement: Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control

Code Enforcement

The Code Enforcement Division of the County's Building and Safety Department enforces County ordinances including Ordinance 541 that pertains to rubbish accumulation on vacant property. Two enforcement actions are available. Criminal action includes issuing a notice of violation and then a citation for an infraction with the possibility of a misdemeanor (for more serious violation/non-compliance). The more common action, because the subject property is vacant/non-owner occupied, is a civil action that includes notice of violation, Board of Supervisors hearing, order to abate, contracting for cleanup, and billing (including collection via property taxes).

Coordination with other agencies includes referral to the Transportation Department if rubbish is in the road right-of-way, referral to Environmental Health Department if the rubbish is trash on occupied property, Hazmat if it is hazardous rubbish, and referral to Animal Control if there are neglected or dead animals.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, Construction and Development, Erosion Control, Industrial Facilities

Industrial Facilities Inspections

The County of Riverside Environmental Health Department implements several inspection programs throughout incorporated and unincorporated areas of the County except in the cities of Corona, Riverside, and Banning. These inspection programs address restaurants and retail food stores and hazardous materials facilities (i.e., underground storage tanks and hazardous materials generators). Inspections focus on storage of hazardous waste materials, solid waste disposal, and control of discharges. Inspectors also check for illicit connections to the sewer and storm drain systems. Inspection frequency varies depending upon the facility type; in general, multiple inspections are performed per year.

Enforcement includes issuing notices of violations and citations pursuant to the appropriate ordinance. Notices and citations indicate the required time frame for compliance after which time follow-up inspections and actions are initiated. Enforcement procedures are coordinated with other County Departments as necessary. Reports of illegal discharges are responded to and sampling is performed as necessary.

The County Fire Department assists the Environmental Health Department in responding to hazardous materials spills and discharges; however, enforcement is performed by the Environmental Health Department. The results of inspections and investigations are documented on standardized reporting

forms. Inspectors have not yet received training regarding stormwater pollution prevention best management practices.

Potential Involvement: Illegal Dumping, Illicit Connections, Non-Stormwater Discharges, and Industrial Facilities